

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8097 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JELIBEN HARIBHAI PRABHUBHAI

Versus

COMPETENT AUTHORITY & ADDL. COLLECTOR

Appearance:

MR MI HAVA for Petitioner

Mr. S.T.Mehta, AGP for the Respondents.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 05/10/98

ORAL JUDGEMENT

This petition has been filed for quashing the order dated 30.8.89 passed by the Urban Land Ceiling Tribunal, in Appeal no. Surat 81 of 1989.

2. The learned counsel for the petitioner submitted that the appeal was filed in respect of survey nos.221/2, 223/2, 224/1 of Adajan and survey nos. 281,

282/1, and 371 of village Pal. Out of them, the petitioner has been granted permission in respect of all survey nos. except the land of survey no. 371 of village Pal for development under section 21 of the Urban Land (Ceiling and Regulation) Act, 1976 (for short "the Act"). That is only in dispute before this Court. The application of the petitioner alongwith plans presented under section 21(1) of the Act has already been rejected by the Competent Authority and Additional Collector, Surat by an order dated 21st April, 1995 on the ground that the land in question was reserved for Gujarat Housing Board, Surat under the plans sanctioned by the Surat Development Authority.

3. Now, the learned counsel for the petitioner informs the Court that Gujarat Housing Board does not require the land of survey no. 371 of village Pal. Hence, he requests that the matter be referred to the Competent Authority and Additional Collector, ULC, Surat to determine and decide again whether the land is required by Gujarat Housing Board for housing purpose or not and thereafter, permission under section 21(1) of the Act may be granted to the petitioner.

4. In the facts and circumstances, I think it just and proper to remand the matter to the Competent Authority and Additional Collector, ULC, Surat to reconsider the acquisition of the petitioner's land in question bearing survey no. 371 of village Pal, under section 21(1) of the Act after giving a reasonable opportunity of hearing to the petitioner as well as to the Gujarat Housing Board and Surat Development Authority Surat.

5. In the result, this petition is allowed. The order dated 21.4.1995 passed by the Competent Authority and Additional Collector, ULC, Surat is quashed and set aside and the matter is remanded back to the Competent Authority and Additional Collector, ULC, Surat which is directed to decide afresh the application with plan submitted by the petitioner under section 21(1) of the Urban Land (Ceiling and Regulation) Act, 1976 after giving a reasonable opportunity of hearing to Gujarat Housing Board, Surat and Surat Development Authority, Surat and decide the same on merits and in accordance with law as early as possible and preferably within a period of three months from the date of production of a certified copy of this judgment.

Rule is made absolute to the aforesaid extent with no order as to costs.

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